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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,566	12/14/2005	Reinhold Burr	016906-0385	6385
22428	7590	06/06/2007		
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER MILLER, SAMANTHA A	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,566	Applicant(s) BURR ET AL.	
	Examiner Samantha A. Miller	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/06/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Response to Amendment Receipt of applicant's amendment filed on 3/06/2007 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinmartin (Pat. 5,101,883). Kinmartin teaches in the specification and Figs.1- 7 an invention in the same field of endeavor as applicant's invention that is described in the applicant's claims.

15. An air duct (10) for supplying air; a metering device (30a, 30b); and an air-guiding device (12) comprising a plurality of subducts (36a, 36b) for dividing air in the air-guiding device (col.3 ll.7-18) (Fig.2), and an outflow region with an outer circumferential region (46a, 46b) and a middle region (58) and, wherein one subduct (36b) leads to the middle region (58) and another subduct (36a) leads to the outer circumferential region (46a) (Fig.2).

16. A divided entry region (38) configured such that the air in the air-guiding device is divided into the plurality of subducts (36a, 36b) without any significant change in direction of the subducts in the divided entry region (col.3 ll.7-18) (Fig.2).

17. The division in the entry region is axially symmetrical (Fig.2).

18. The air-guiding device further comprises a partition (40) which, at least in regions, runs along a longitudinal direction of the air duct (col.3 ll.7-18) (Fig.2).

19. The division of the air duct into a plurality of subducts is provided for at a distance of 1 to 10 times a mean diameter of the air duct in a corresponding region upstream of an exit of the air from the air-guiding device (Fig.2).

20. The air-guiding device further comprises an elbow, wherein the air is divided into a plurality of subducts in the region of the elbow (Fig.2).

21. The elbow has an angle (interior angle from duct 10 to air-guiding device 12 shown as 90°) from 80° to 100° (Fig.2).

22. The angle of the elbow is 90° (interior angle from duct 10 to air-guiding device 12 shown as 90°) (Fig.2).

23. The metering device (30a, 30b) is arranged upstream of the air-guiding device (12) (Fig.2).

24. The metering device (30a, 30b) is designed in such a manner that the air, which can be fed to the individual subducts (36a, 36b), is controllable (col.2 ll.59-67) (Fig.2).

25. The metering device (30a, 30b) controls both the distribution of the incoming air between the individual subducts (36a, 36b) and the metering thereof (col.2 ll.59-67).

26. The metering device provided is an actuating device (66) has a double flap (62, 64) controlled by means of a cam disc or a kinematic mechanism (link 68) (col.3 ll.47-49) (Fig.2).

27. The actuating device (66) is connected directly, via a shaft (col.3 ll.56-58), to an actuating member (link 68) (col.3 ll.47-49).

28. An air duct for supplying air; a metering device; and an air-guiding device, wherein the air-guiding device comprises a plurality of subducts for dividing air in the air-guiding device (Refer to rejection of claim 15),

29. A divided entry region (38) configured such that the air in the air-guiding device is divided into the plurality of subducts (36a, 36b) without any significant change in direction of the subducts in the divided entry region, and wherein the division in the entry region is axially symmetrical (col.3 ll.7-18) (Fig.2).

30. The air-guiding device further comprises an elbow, wherein the air is divided into a plurality of subducts in the region of the elbow (Refer to rejection of claim 20).

31. The metering device controls distribution of incoming air between individual subducts and controls metering of the incoming air (Refer to rejection of claim 25).

32. The metering device comprises an actuating device with a double flap controlled by a cam disc or a kinematic mechanism (Refer to rejection of claim 26).

33. An air duct for supplying air; a metering device; and an air-guiding device, wherein the air-guiding device comprises a plurality of subducts for dividing air in the air-guiding device (Refer to rejection of claim 15).

34. The air-guiding device comprises a divided entry region configured such that the air in the air-guiding device is divided into the plurality of subducts without any significant change in direction of the subducts in the divided entry region, and wherein the division in the entry region is axially symmetrical (Refer to rejection of claim 29).

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35. The air-guiding device further comprises an elbow, wherein the air is divided into a plurality of subducts in the region of the elbow (Refer to rejection of claim 20).

36. The metering device controls distribution of incoming air between individual subducts and controls metering of the incoming air (Refer to rejection of claim 25).

37. The metering device comprises an actuating device with a double flap controlled by a cam disc or a kinematic mechanism (Refer to rejection of claim 26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinmartin in view of Kamiya (Pat. 6,575,701).

Kinmartin teaches the invention as discussed above. However, Kinmartin does not teach a coiled or elongate, helical region.

Kamiya teaches:

28. A coiled or elongated, helical region (col.1 ll.29-35).

33. A spot action to the air at an exit of the air duct and configured to impart a swirl to the air at the exit of the air duct (col.1 ll.29-35).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the air inlet of Kinmartin in view of the teaching of Kamiya in order to blow air within a vehicle passenger compartment in particular for an air heater arrangement faster and more efficient airflow (Kamiya , col.1 ll.14-17).

Response to Arguments

1. Applicant's arguments filed March 6, 2007, have been fully considered but they are not persuasive.

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the air inlet of Kinmartin in view of the teaching of Kamiya in order to blow air within a vehicle passenger compartment in particular for an air heater arrangement is directly taught by the reference (Kamiya, col.1 ll.14-17) and it would

further be obvious to use an helical flow in order to create an airflow that faster and more efficient.

3. Claims 15-37 limitations have been clearly addressed above.

Therefore, for the reasons above, the grounds of rejection of claims 15-37 are deemed proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR '1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Josiah Cocks can be reached on 571-272-4874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller
Examiner
Art Unit 3749
5/29/2007


KENNETH RINEHART
PRIMARY EXAMINER